THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11218 of 2006

Dated:09.06.2006

Between:
Nadipalli Janardhana Rao.

..... PETITIONER

AND

The Revenue Divisional Officer, Khammam, Khammam District, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11218 of 2006

ORDER:

The petitioner claims to be the absolute owner and possessor of the agricultural dry lands in Survey Nos.10/Ee/A (Ac.0.20 gts), 10/Aa/Vu (Ac.0.20 gts), 9/Ee/E (Ac.0.20 gts), 9/E/E (Ac.0.16 gts), 9/Aa/Aa (Ac.0.38 gts) situated at Siddaram Village of Sathupally Mandal, Khammam Distirct. He claims to have purchased the same. The second respondent initiated action under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and after issuing show cause notice, passed orders on 20.05.2006 ordering resumption of the land for contravention of Section 3 of the Act. Aggrieved by the same, the petitioner preferred an appeal before the first respondent under Section 4-A of the Act. In this writ petition, alleging that the first respondent did not pass any appropriate orders, again the order of the Mandal Revenue Officer is challenged.

It is now well settled that when the statute provides for an alternative remedy by way of a statutory appeal and such remedy is availed, a writ petition would not lie (see **Bombay Metropolitan Region Development Authority v. Gokak Patel Volkart Ltd.,** [1]). Further when the material placed before this Court was perused, this Court found that the date at the end of the grounds of appeal as well as in the stay petition was interpolated as 03.06.2006. This Court found that the appeal was filed on 06.06.2006 and the writ petition was filed on 07.06.2006. Therefore, when the case was called yesterday, the learned Assistant Government Pleader was directed to produce the original file from the Office of the Revenue Divisional Officer. The file is produced along with the original appeal filed by Sri D.Narayana,

Advocate for the petitioner. The same would show that the appeal was presented on 06.06.2006. It only shows that within one day after presenting the appeal, the present writ petition is filed. The writ petition, therefore, cannot be entertained.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

09.06.2006
vs

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[1] (1995) 1 SCC 642